



Isle of Man
Government

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ISLE OF MAN
TREASURY
Yn Tashtey

Consultation on the proposed changes to the Legal Aid Act 1986

November 2025

Contents

Introduction	3
Section 1: Civil Legal Aid	4 -5
Section 2: Legal Advice & Assistance (Green Form Scheme)	5
Section 3: Miscellaneous & Supplemental- Civil Legal Aid & Advice and Assistance	5 - 6
Section 4: Criminal Legal Aid	6 - 8
Section 5: Miscellaneous & Supplemental- Criminal	8 - 9
Section 6: Remuneration of persons giving Civil Legal Aid	9-10
Section 7: Legal Aid Board	10

Relevant documents to accompany this consultation:

- [Legal Aid Review Options & Recommendations Report- December 2021](#)
- [Legal Aid Committee- Response to HM Attorney General's Legal Aid Review Options & Recommendations Report- August 2022](#)



Introduction

Overview

The Treasury, on behalf of the Legal Aid Committee, is seeking the views of relevant stakeholders and members of the public about proposed amendments to be made to the Legal Aid Act 1986.

The consultation will run for a period of six weeks. After the consultation responses provided have been considered, the draft Bill will be further amended as necessary. Treasury then intends to introduce the draft Legal Aid (Amendment) Bill 2026 into the branches of Tynwald in early 2026.

Each section will be based on the Parts of the Legal Aid Act, with a conclusive summary that will explain what changes are being made to each Part of the Act. It is strongly recommended that you read the downloadable documents before completing the consultation.

Why your views matter

An effective Legal Aid system is critical to maintain fair access to justice, and the Legal Aid Committee has made a commitment to make changes to improve Legal Aid following the Legal Aid review carried out in 2021. The Legal Aid Review made 32 recommendations; the changes proposed to the Legal Aid Act will help to bring about these recommendations—some directly and some by making provision for further regulations to be made in future.

Responding to this consultation

To respond to this consultation, click the 'Online survey' link below.

Reasonable adjustments and alternative formats

The Department is committed to equal opportunities, and our aim is to make our documents easy to use and accessible to all.

If you would like to receive this document in another format or need assistance with accessing or replying to this consultation, please email Carrie.Yates3@gov.im or telephone +44 1624 685977.



Section 1: Civil Legal Aid

Part 1 (Sections 1 to 6) - Civil Legal Aid

In this part of the draft Act most changes are to modernise or clarify with small changes.

Amended section 1

Minor amendments only.

Amended sec 2

New power inserted for Legal Aid Board to amend Schedule 1 (proceedings for which civil legal aid may be given) by making an order doing so.

Amended sec 3 – see recommendation 11

New subsection (1ZA) inserts an exception to the financial conditions for civil legal aid in sec 3(1) by providing that where a person's assets are not available to them in consequence of a relevant order then those assets are to be ignored for the purposes of section 3(1)(a) and goes on to explain the meaning of a relevant order.

Other clarificatory amendments and minor amendments are made

New sec 3A - recommendation 24

New Section 3A provides that where a person has died in the care or custody of the State and their death is the subject of proceedings under the Coroners of Inquests Act 1987, any relevant relative of the deceased is entitled to assistance and advice and representation in respect of the inquest, regardless of their financial resources and receipt of benefits

Amended sec 4

Provides for Treasury to have a charge on the assets of a person given legal aid under new sec 3(1ZA) in recovering the legal aid provided and interest on it, which is to be enforced when the assets are no longer subject to the order.

Amended sec 6

Minor changes in terminology arising from new defined terms.

Schedule 1- Proceedings for which Civil Legal Aid Can be Given – see recommendations 25(b) and (c) and 31(a)

Schedule 1 specifies the types of proceedings for which civil legal aid may be given (Part I) and may not be given (Part II).



New paragraph 3A is inserted into Part I, as a result of which civil legal aid may be given for proceedings in a court of summary jurisdiction under Division 2 of Part 2 of the Domestic Abuse Act 2020 (domestic abuse protection orders).

New paragraphs 9A and 9B are inserted into Part II, as a result of which civil legal aid may no longer be provided for treasure Inquiries & boundary disputes.

Further changes are made to Schedule 1 for clarification and modernisation of language.

Section 1 Questions:

Q1: Do you have any comments about the proposed changes to Part 1 (sections 1-6, Civil Legal Aid)?

Q2: Do you have any comments about the proposed changes to Schedule 1?

Section 2: Legal Advice & Assistance (Green Form Scheme)

Part I (sections 7 to 11) - Legal Advice and Assistance

The changes to sections 7 to 11 make some wording gender-neutral and make other changes to aid interpretation.

Section 2 Question:

Q3 : Do you have any comments about the proposed changes to sections 7 to 11?

Section 3: Miscellaneous & Supplemental- Civil Legal Aid & Advice and Assistance

Part I (sections 12 to 17)

Section 12 amended – recommendations 5 and 31(b)



Section 12 (assessment of a person's financial resources for the purposes of Part I of the Legal Aid Act 1986) is being amended to expand on what regulations under it (section 12) may do, including: (a) specifying who is to carry out assessments of a person's financial resources; (b) the reasons for and a person's control over fluctuations of a person's resources; (c) for the way in which a person's financial resources may be computed; (d) for a person's financial resources to be computed differently for different purposes; (e) for income to be treated as capital and vice versa; and (f) for a person to be treated as having capital or income that the person does not have and vice versa.

New section 13 – recommendations 7 and 9(d)

New section 13 gives the Legal Aid Board the authority to make regulations to specify how the Legal Aid Panel of Advocates is maintained, procedures for inclusion on the panel, requirements for training or development needs, service level agreements, the process for which a panel member may be removed and the time limits for the submission by an advocate of a bill of costs. This is not an inclusive list, and the Treasury recommends that this section is read with detail and noting that at this stage it's making provision for regulations to be written only.

Amendments to sections 14 to 16

Other amendments are made to sections 14 to 16, in particular to reflect the establishment of the Legal Aid Board in place of the Legal Aid Committee, the expanded role of the Legal Aid Certifying Officer, to make some text gender-neutral and to amend the scope of what regulations under section 16 may do.

Section 3 Question:

Q4: Do you have any comments about the proposed changes to Part 1- Miscellaneous and supplemental?

Section 4: Criminal Legal Aid

Part II (sections 18 to 21)

Amended sec 18 – recommendation 5

Section 18 in Part II of the Act is amended to transfer the power a "relevant authority" has to grant a legal aid certificate for the purposes of specified criminal proceedings (see Schedule 3) to a Legal Aid Certifying Officer and replace the financial conditions that a person must meet to be granted a such a legal aid certificate with ones aligned with those for civil legal proceedings.

New subsection (1A) inserts an exception to the financial conditions for civil legal aid in sec 18(1) by providing that where a person's assets are not available to them in consequence of



a relevant order then those assets are to be ignored for the purposes of section 18(1)(b)(i) and goes on to explain the meaning of a relevant order.

Section 18 is further amended to make text gender-neutral, remove ambiguities and amend cross-references. A new power is inserted into section 18 allowing the Board to amend Schedule 3 (types of proceedings for which criminal legal aid may be given) by order.

New section 18ZA Section 18ZA enables sections 12, 13 and 14 in Part I of Legal Aid Act 1986 (assessment of financial resources, panel of advocates and confidentiality of information) to apply to Part II as they apply to Part I, including in a modified form.

Doing so will allow a person's financial resources to be computed under regulations for criminal legal aid certificates in the same way as for civil legal aid certificates.

Amended section 19

New sec 19(3A) makes explicit as to what an order under sec 19(3) may provide for. It may: (a) prescribe such rates or scales of costs by reference to the type of proceedings for which legal aid has been granted/in respect of which legal aid has been granted; (c) prescribe a fixed amount payable to an advocate acting in proceedings specified in the order, which may be: (i) prescribed as one determined by a specified hourly rate multiplied by a set number of hours (or division of an hour); (ii) prescribed by reference to a particular function, the amount of time spent on carrying out a particular function or by reference to another specified factor (e.g. a published index) or data.

Under new sec 19(3B) and (3C) an order under subsection (3) may provide that: (a) the rate or scale of costs prescribed for legal aid may be reduced by the amount an advocate has received in respect of the provision of advice or assistance under Part II of the Legal Aid Act 1986; and (b) for travel expenses incurred by an advocate in acting for a person granted legal aid to be paid at the same rate as that applicable to public sector employees discharging their official functions.

Also section 19(4) is replaced by amended sec 24(3)(b) and sec 19(5) is replaced by new sec 19A.

It is intended that the changes to sec 19 would facilitate the possibility of making orders under that section fixing fees payable for some criminal legal aid work.

Amended section 20

Regulation-making powers are amended following the establishment of the Legal Aid Board in place of the Legal Aid Committee, to reflect the transfer of power to grant a legal aid certificate for criminal legal proceedings from a court/judge to a Legal Aid Certifying Officer and for other purposes.

Amended section 21

In respect of the Duty Advocate Schemes the main thing that will change is that a Duty Advocate service will be required to cover any interviews under caution, some of which may



not take place at the police station. This change is to reflect Recommendation 12 (d) of the Legal Aid Review and a further duty advocate scheme may need to be developed with input from the Isle of Man Law Society.

Schedules 3& 3A

Amended Schedule 3 – see recommendation 3

Schedule 3 is amended in consequence of the transfer of responsibility for granting a legal aid certificate for criminal legal proceedings from the relevant court or person to a Legal Aid Certifying Officer and to updates cross-references to provisions of former mental health legislation to extend the list of types of criminal proceedings for which legal aid may be granted.

Amended Schedule 3A

Schedule 3 is also amended in consequence of the transfer of responsibility for granting a legal aid certificate for criminal legal proceedings to the Legal Aid Certifying Officer. Other minor changes have been made to update terminology arising from new defined terms.

Section 4 Questions:

Q5: Do you have any comments about the proposed changes to Part 2, sections 18-21?

Q6: Do you have any comments about the proposed changes to Schedule 3?

Q7: Do you have any comments about the proposed changes to Schedule 3A?

Section 5: Miscellaneous & Supplemental- Criminal

Part III of the Legal Aid Act 1986 (sections 22 to 30)

In this part the section on the Legal Aid Committee has been removed, to make way for the provisions for the Legal Aid Board, to meet Recommendation 1 of the Legal Aid Review.

Amended section 22

Section 22 is amended to make the text gender-neutral in that section.

New section 23 – see recommendation 1



Existing section 23 (Legal Aid Committee) is replaced with a new version (Legal Aid Board), which establishes the new Legal Aid Board in place of the Legal Aid Committee as well as introducing new Schedule 3B.

Amended sec 23A

Sec 23A (Legal Aid Appeals Tribunal) is amended to make some text gender-neutral.

New sec 23B

New section 23B provides for there to be one or more Legal Aid Certifying Officers, appointed by the Board and who is the certifying officer for both Parts I and II of the Legal Aid Act 1986. The Board may also appoint Deputy Legal Aid Certifying Officers, to whom a Legal Aid Certifying Officer may delegate any of their functions. The functions of a Legal Aid Certifying Officer are set out in new sec 23A as are the qualifications a person must have to be a Legal Aid Certifying Officer or Deputy.

The role of the Legal Aid Certifying Officer has also been clarified and enhanced in line with Recommendation 2 of the Legal Aid Review.

New sections 23C and 23D

Section 23C enables a function, duty or power conferred or imposed by the Act on a person or body to be conferred or imposed on a person or body prescribed in secondary legislation.

Section 23D relates to sub-delegation of functions in certain cases under secondary legislation

Section 24 amended

Sec 24 is amended to extend the scope of what secondary legislation made under the Legal Aid Act 1986 may do and specifies the Tynwald procedure applying to orders and schemes under the Act.

Sec 27 amended

Sec 27 inserts new definitions of "assisted person". "Board", "lawyer", "Legal Aid Certifying Officer", "panel advocate", "signature" and "unassisted party"

Q8: Do you have any comments about the proposed changes to Part 3- Miscellaneous and Supplemental?

Section 6: Remuneration of persons giving Civil Legal Aid

see recommendations 8(a) and 22

Schedule 2



This schedule is amended to make explicit what an order under paragraph 1 may do, including: (a) prescribing rates or scales of costs payable for civil legal aid by reference to: (a) the type of legal proceedings; (b) prescribing a fixed amount payable to an advocate acting in proceedings specified in the order, which may be an amount: (i) determined by a specified hourly rate multiplied by a set number of hours; or (ii) by reference to a particular function, the amount of time spent on carrying out a particular function or by reference to another specified factor or data.

It is intended that the amendments made would facilitate the possibility of making orders under Schedule 2 fixing fees payable for some civil legal aid work.

Schedule 2 is further amended to require the Isle of Man Law Society to be consulted before Treasury makes an order under paragraph 1 of Schedule 2.

Q9: Do you have any comments about the proposed changes to Schedule 2?

Section 7: The Legal Aid Board

Section 23 and Schedule 3B

Recommendation 1 of the Legal Aid Review was that the Legal Aid Committee should invite Treasury to consider the Legal Aid function being established as a Statutory Board.

New section 23 and Schedule 3B establish the Legal Aid Board in place of the current Legal Aid Committee as well as specifying the Board's functions, powers and duties and other matters relating to the Board.

Please note that the new Board is not a Statutory Board for the purposes of the Statutory Boards Act 1987 but has been established to replicate the structure of a Board.

Q10: Do you have any comments about new section 23 or Schedule 3B?